

### REMARKS

In the October 22, 2003 Office Action, the provisional election by Applicants of Group III, claims 22-30, is acknowledged. Group I, claims 13 and 15-20, and Group II, claim 21, are withdrawn as being directed to non-elected inventions. Also in the Office Action, the title and abstract are objected to as not being directed to the claimed invention, claims 22, 23 and 26-29 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,057,981 to Bowen et al., claim 24 is rejected under 35 U.S.C. 103(s) as allegedly being unpatentable over Bowen et al. in view of U.S. Patent No. 4,319,075 to Willette, and claims 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen et al.

By the present amendment, claims 13 and 15-21 are canceled, claims 22 and 30 are amended, and new claims 31-33 are added. This leaves claims 22-33 pending in this application with claim 22 being independent. Claim 22 is amended to clarify the scope of the claimed invention and to correct a typographical error. Claim 30 is amended only to correct typographical errors. The title and abstract are amended as suggested in the Office Action. Applicants respectfully request reconsideration of the claim rejections, as discussed in detail below. In summary, Bowen et al. fails to disclose, teach or suggest the steps of joining two raceways at a junction area with a curved base disposed between spaced ends of the two raceways and coupling a cover fitting with the raceway ends, as recited in the claimed invention.

### Election/Restriction

In the Office Action, the previous restriction requirement is withdrawn in view of a new requirement restricting Group I, claims 13 and 15-20, Group II, claim 21 and Group III, claims 22-30. Applicants confirm the election of Group III, claims 22-30 with traverse.

Although Applicants disagree with the restriction requirement, claims 13 and 15-21 of non-elected Groups I and II are cancelled to expedite prosecution of the application.

### Specification

In the Office Action, the abstract of the disclosure is objected to as not being directed to the claimed invention. The title is also objected to as not being descriptive of the claimed invention.

Attached as an Appendix (page 13) is a replacement Abstract of the Disclosure that is directed to the claimed invention. Additionally, the title is changed to "A Method of Connecting Raceways With or Without a Fitting Base," as suggested in the Office Action. Therefore, the objections to the abstract and title should be withdrawn.

### Claim Rejections – 35 U.S.C. 102(b)

Claims 22, 23 and 26-29 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,057,981 to Bowen et al. Anticipation requires that every limitation of a claim must identically appear in the prior art reference. See *Gechter v. Davidson*, 43 U.S.P.Q.2d 1030, 1032 (Fed. Cir. 1997). Bowen et al. fails to disclose, teach or suggest all of the claimed limitations of independent claim 22 and therefore does not anticipate the claimed invention.

Independent claim 22 recites the steps of joining ends of two raceways (third and fourth raceways) with a curved base being disposed between respective ends of the two raceways at a junction area (second junction area) with the ends of the raceways being spaced from one another. Additionally, claim 22 recites coupling a cover fitting (second cover fitting) by engaging the cover fitting with each end of the two raceways. These steps are not identically found in Bowen et al.

Bowen et al. discloses a decorative light configuration including four conduits 122 joined by left and right couplings 124 and an angular coupling 150, as seen in Fig. 4. No part of the configuration of Bowen et al. teaches joining two raceway ends in a spaced relationship and disposing a curved base therebetween. Contrary to the Office Action, any curved region of the conduits 122 of Bowen et al. could not be considered the curved base of the claimed invention because (a) the conduits 122 cannot be both the raceways and the curved base of the claimed invention, and (b) no region, curved or otherwise, of conduits 122 is disposed between spaced ends of two conduits 122, as recited in claim 22. Instead, the ends of conduits 122 of Bowen et al. are coupled by couplings 124 with neither space nor a curved base located therebetween. The curved regions of each conduit 122 of Bowen et al. merely define the curvature of a respective single conduit, which is not part of the claimed invention. Claim 22 instead recites a curved base disposed between raceways, and not that the raceways have a curved base.

Moreover, the ends of conduits 122 at coupling 150 and support 116 of Bowen et al. could not be considered the ends of the raceways of the claimed invention, as suggested in the Office Action, because claim 22 recites joining the ends of the raceways at a junction area, coupling a cover fitting that covers the junction area so that a portion of the cover fitting engages each end of the raceways. The only structure of Bowen et al. that engages ends of two joined raceways is left or right coupling 124, or angled coupling 150. As admitted in the Office Action, the junction area of Bowen et al. is the area occupied by right coupling 124. However, the ends of conduits 122 at right couplings 124, i.e. junction area, are neither spaced nor have a curved base therebetween, as recited in claim 22. Furthermore, the conduit ends at coupling 150 and support 116 are not joined in any way, i.e. there is no junction area, and nothing in Bowen et al. engages both ends of conduits 122 at coupling 150 and support

116, as recited in claim 22, and thus could not be considered the raceway ends of the claimed invention.

Therefore, it is clear that the steps of joining two raceways at a second junction area with a curved base being disposed between respective ends of the two raceways with the ends of the raceways being spaced from one another and coupling a cover fitting by engaging each end of the two raceways are not identically found in Bowen et al. Absence from the prior art reference of any claimed element negates anticipation. See *Rowe v. Dror*, U.S.P.Q.2d 1550, 1553 (Fed. Cir. 1997). As such, the rejection of claims 22 under 35 U.S.C. 102(b) should be withdrawn and the claim allowed.

Dependent claims 23-30 are allowable for the same reasons as discussed with respect to independent claim 22. Also, these claims recite additional features that further distinguish them from the prior art. For example, claim 24 recites, among other steps, removing a section of a cover of each of the third and fourth raceways, claim 25 recites completely covering the curved base, claim 26 recites coupling the curved base with a portion of the cover fitting, and claim 27 recites coupling the curved base with respective ends of the raceways.

#### Claim Rejections – 35 U.S.C. 103

Claims 25 and 30 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bowen et al. A prima facie case of obviousness has not been established for claims 25 and 30 since all of the limitations of the claimed invention are neither disclosed, taught nor suggested in Bowen et al., as discussed above with respect to independent claim 22.

Dependent claim 25 recites completely covering the curved base with the second cover fitting. Since Bowen et al. fails to disclose a curved base at all, as discussed above,

Bowen et al. cannot teach or suggest a cover fitting completely covering a curved base. Balloons 12 of Bowen et al. does not cure this deficiency. More specifically, balloons 12 of Bowen et al. could not be considered the second cover fitting of the claimed invention because balloons 12 are not coupled over a junction area of two raceways with a curved base being disposed between spaced ends of the raceway. Instead, balloons 12, as applied to the embodiment of Fig. 4 of Bowen et al., would merely overly conduits 122. Additionally, balloons 12 of Bowen et al. would not engage the ends of conduits 122 at a junction area of the conduits, such as at coupling 124, as recited in the claimed invention.

X ( Dependent claim 30 recites among other elements, that the curved base defines a radius that is equal to or greater than the maximum bend radius of the wires. The Office Action suggests that it would have been an obvious matter of design choice to choose any desired radius of the curved base since Applicants have not disclosed this feature as solving any stated problem or is for any particular purpose. To the contrary, Applicants state that the purpose of having a curved base with a radius that is equal to or greater than the maximum bend radius of the wires is to avoid damage to the wires. See, for example, page 2, lines 5-7. This clearly not taught by Bowen et al. A general conclusion of obviousness without any support in the prior art or convincing line of reasoning is inappropriate. The conclusion that having a curved base with a radius as claimed is an obvious matter of design choice, can only be based on hindsight of Applicants' disclosure since nothing in the prior art or in general knowledge of the art teaches this feature of the claimed invention.

In view of the above, Bowen et al. fails to disclose, teach or suggest all of the claim limitations of claims 25 and 30. Therefore, the rejections under 35 U.S.C. 103(a) should be withdrawn and the claims 25 and 30 allowed.

Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen et al. in view of U.S. Patent No. 4,319,075 to Willette. A prima facie case of obviousness has

not been established for claims 25 and 30 since all of the limitations of the claimed invention are neither disclosed, taught nor suggested in Bowen et al., as discussed above with respect to independent claim 22. Willette does not cure the deficiencies of Bowen et al. Nothing in Willette teaches or suggests joining ends of two raceways with a curved base being disposed between respective ends thereof at a junction area with the ends of the raceways being spaced from one another, and a cover fitting engaging each end of the raceways, as recited in independent claim 22. Instead, Willette merely discloses an undercarpet cable envelope 1 with a layer 20 that can be peeled back to expose cable 10.

Dependent claim 24 recites a section of each raceway and exposing corresponding sections of raceway bases and engaging the exposed sections with the cover fitting. Nothing in Willette teaches or suggests engaging exposed sections of raceways with a cover fitting. In fact, the Office Action neglects to address this limitation of claim 24.

Therefore, all of the claim limitations are neither disclosed, taught or suggested in either Bowen et al. or Willette, or any combination thereof. Thus, the rejection of claim 24 under 35 U.S.C. 103(a) should be withdrawn and the claim allowed.

#### New Claims

New claims 31-33 each depend from independent claim 22 and thus are allowable for the same reasons discussed above. Moreover, these claims recite additional features that distinguish them from the prior art. Claim 31 recites that the first and second cover fittings are substantially identical, claim 32 recites that the second and third raceway form a single raceway, and claim 33 recites snap fitting the first and second cover fittings on the raceways.

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Amdt dated 1.21.2004  
Reply to 10.22.2003 Office Action

In view of the foregoing, claims 22-33 are in allowable condition. Prompt and favorable action is therefore respectfully solicited.

Respectfully submitted,

Tara L. Hoffman  
Tara L. Hoffman  
Reg. No. 46,510

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.  
1300 19th Street, N.W., Suite 600  
Washington, D.C. 20036-1649  
(202 659-9076

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Appendix - Replacement Abstract of the Disclosure

Abstract of the Disclosure

B 2  
A method of connecting two raceways, comprising the steps of joining respective ends of first and second raceways at a first junction area so that the ends of the first and second raceways engage and form a miter joint at the first junction area, coupling a first cover fitting over the first junction area so that a portion of the first cover fitting engages each end, respectively, of the first and second raceways, joining respective ends of third and fourth raceways at a second junction area so that the ends of the third and fourth raceways are spaced from one another at the second junction area with a curved base disposed therebetween, and coupling a second cover fitting over the second junction area so that a portion of the second cover fitting engages each end of the third and fourth raceways, respectively.